

**EIS**

## Project Echidna

### Appendix C: Statutory Compliance Table

Reference: SSD-47320208

Final | October 2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

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Arup Australia Pty Ltd | ABN 76 625 912 665

**Arup Australia Pty Ltd**  
Level 5  
151 Clarence Street  
Sydney  
NSW 2000  
Australia  
[arup.com](http://arup.com)

## A.1 Statutory Compliance

**Table 1: Statutory Compliance Table**

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>	Section 1.3	<p>Relevant objects of the Act</p> <ul style="list-style-type: none"> <li>• to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources</li> <li>• to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</li> <li>• to promote the orderly and economic use and development of land</li> <li>• to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</li> </ul>	Section 4.3
	Section 4.15	<p>Relevant environmental planning instruments</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy 59 – Western Sydney Employment Area – Eastern Creek Precinct Plan (Stage 3) 2005</li> </ul>	Section 4.5
		Relevant proposed environmental planning instruments.	Not applicable

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
		<p>Relevant development control plans</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy 59 – Western Sydney Employment Area – Eastern Creek Precinct Plan (Stage 3) 2005</li> </ul>	Section 4.6
		Relevant planning agreements or draft planning agreements.	Not applicable
		The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Chapter 6
		The suitability of the site for the development	Chapter 2
		The public interest	Chapter 5
Environmental Planning and Assessment Regulation 2021	190 - Form of environmental impact statement	<p>(1) An environmental impact statement must contain the following information—</p> <ul style="list-style-type: none"> <li>(a) the name, address and professional qualifications of the person who prepared the statement,</li> <li>(b) the name and address of the responsible person,</li> <li>(c) the address of the land <ul style="list-style-type: none"> <li>(i) to which the development application relates, or</li> <li>(ii) on which the activity or infrastructure to which the statement relates will be carried out,</li> </ul> </li> <li>(d) a description of the development, activity, or infrastructure,</li> <li>(e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</li> </ul> <p>(2) The person preparing the statement must have regard to</p> <ul style="list-style-type: none"> <li>(a) for State significant development - the <i>State Significant Development Guidelines</i>, or</li> <li>(b) for State significant infrastructure - the <i>State Significant Infrastructure Guidelines</i>.</li> </ul> <p>(3) An environmental impact statement must also contain a declaration by a relevant person that</p>	Requirements have been addressed in the body of this EIS.

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
		<p>(a) the statement has been prepared in accordance with this Regulation, and</p> <p>(b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</p> <p>(c) the information contained in the statement is not false or misleading, and</p> <p>(d) for State significant development or State significant infrastructure - the statement contains the information required under the <i>Registered Environmental Assessment Practitioner Guidelines</i>.</p> <p>(4) In this section <i>registered environmental assessment practitioner</i> means a person who is registered or certified under a professional scheme that is specified as a registered environmental assessment practitioner scheme in the <i>Accredited Registered Environmental Assessment Practitioner (REAP) Schemes</i> published on the NSW Planning Portal on 1 July 2021. <i>Registered Environmental Assessment Practitioner Guidelines</i> means the Registered Environmental Assessment Practitioner Guidelines prepared by the Planning Secretary as in force from time to time and published on the Department's website. <i>relevant person</i> means</p> <p>(a) for State significant development or State significant infrastructure, a registered environmental assessment practitioner, or</p> <p>(b) Otherwise the person who prepares the environmental impact statement.</p>	
	191 - Compliance with environmental assessment requirements	The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).	This EIS was prepared to comply with the SEARs as identified in <b>Appendix A</b> .
	192 - Content of environmental impact statement	(1) An environmental impact statement must contain the following— (a) a summary of the environmental impact statement, (b) a statement of the objectives of the development, activity or infrastructure,	1)(a) A summary of the EIS is undertaken in the Executive Summary section of the EIS.

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
		<p>(c) an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,</p> <p>(d) an analysis of the development, activity, or infrastructure, including</p> <ul style="list-style-type: none"> <li>(i) a full description of the development, activity, or infrastructure, and</li> <li>(ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and</li> <li>(iii) the likely impact on the environment of the development, activity, or infrastructure, and</li> <li>(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and</li> <li>(v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out,</li> </ul> <p>(e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv)</p> <p>(f) the reasons justifying the carrying out of the development, activity, or infrastructure, considering biophysical, economic, and social factors, including the principles of ecologically sustainable development set out in section 193.</p> <p>Note   A cost benefit analysis may be submitted or referred to in the reasons justifying the carrying out of the development, activity, or infrastructure.</p> <p>(2) This section is subject to the environmental assessment requirements that relate to the environmental impact statement.</p> <p>(3) This section does not apply if</p> <ul style="list-style-type: none"> <li>(a) the Planning Secretary has waived the requirement for an application for environmental assessment requirements in relation</li> </ul>	<p>(1)(b) A statement of the objectives of the Proposal is outlined in Section 1.5.</p> <p>(1)(c) An analysis of the feasible alternatives and the consequences of not carrying out the Proposal is outlined in Section 2.6.</p> <p>d)(i) A full description of the Proposal is set out in Chapter 3.</p> <p>(d)(ii) A description of the environment likely to be affected by the Proposal is undertaken in Chapter 6 of this EIS.</p> <p>d)(iii) An analysis of the likely impact on the environment is undertaken in Chapter 6 of this EIS.</p> <p>(d)(iv) A description of the measures proposed to mitigate any adverse impacts of the Proposal is undertaken in Chapter 6.</p> <p>(d)(v) A list of any approvals that must be obtained under any other Act or Law before the Proposal may be lawfully carried out in outlined in Section 4.3.</p> <p>(1)(e) A list of all measures referred to in (d)(i) to (d)(v) is included in <b>Appendix E</b>.</p>

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
		<p>to an environmental impact statement for State significant development, and</p> <p>(b) the conditions of the waiver specify that the environmental impact statement must instead comply with requirements set out or referred to in the conditions.</p> <p>(4) A document adopted or referred to by an environmental impact statement is taken to form part of the statement.</p>	
SEPP (Transport and Infrastructure) 2021	Division 3, Clause 2.31	<p>Development permitted with consent</p> <p>(1) Development for the purpose of storage premises used for the storage of data and related information technology hardware may be carried out by any person with consent on land in a prescribed zone.</p> <p>prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—</p> <p>(a) B5 Business Development,</p> <p>(b) B6 Enterprise Corridor,</p> <p>(c) B7 Business Park,</p> <p>(d) IN1 General Industrial,</p> <p>(e) IN2 Light Industrial,</p> <p>(f) IN3 Heavy Industrial.</p>	Section 4.5
State Environmental Planning Policy (Planning Systems) 2021	Part 25 of Schedule 1	<p>(1) Development for the purpose of storage premises used for the storage of data and related information technology hardware that has a total power consumption of more than the relevant amount.</p> <p>(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or</p> <p>(b) for any other development—15 megawatts.</p>	Section 4.5

Legislation	Section/Clause	Pre-Condition/Mandatory Consideration	Section in EIS
State Environmental Planning Policy (Industry and Employment) 2021	Section 2.8	2.8 For the purposes of this Chapter, land is within the zones shown on the Land Zoning Map.	Section 4.5
SEPP 59 - Central Western Sydney Economic and Employment Area – Employment Lands Precinct Plan (Eastern Creek Precinct) 2005	Section 10	10 Traffic and transport	Section 4.5
	Section 11	11 Urban Design	Section 4.5
	Section 14	14 Landscaping	Section 4.5
<i>Biodiversity Conservation Act 2016</i>	Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report.	Section 6.4
<i>Contaminated Land Management Act 1997</i>	Division 2 of Part 3 of the CLM Act	Process for investigating and remediating land.	Section 4.8.2
<i>Protection of the Environment Operations Act 1997</i>	Section 49	Chemical storage of petroleum products (including diesel)	Section 6.6
	Item 17 of Schedule 1	Generation of electricity by means of electricity plant that is emergency stand-by plant operating for less than 200 hours per year.	Section 4.7
<i>Roads Act 1993</i>	Section 7	The respective road authorities depending on the classified road.	Section 4.3
	Section 138	A person must not erect a structure or carry out a work in, on or over a public road otherwise than with the consent of the appropriate road's authority.	Section 4.3